

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

ELIJAH W. RATCLIFF §  
v. § CIVIL ACTION NO. 9:08cv127  
ELIZABETH EVELYN COKER (EVANS), §  
ET AL.

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE

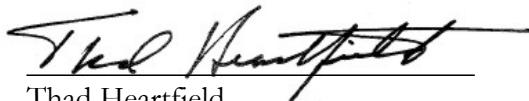
The [Report and Recommendation](#) of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that the claims against Indymac Bank, the State Bar of Texas, the Executive Director of the State Bar of Texas, Kenneth Hammack and Cleburne Swilley be dismissed with prejudice because they are barred by the doctrine of *res judicata* and that the claims against Judge Elizabeth Evelyn Coker (Evans) be dismissed with prejudice for failure to state a claim upon which relief may be granted. Plaintiff filed [written objections](#) on September 17, 2008.

Having made a *de novo* review of the written objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. In addition, after the Report and Recommendation was filed, the Court discovered that Plaintiff is

currently an inmate at the Bradshaw State Jail. As a result, dismissal is also warranted pursuant to 28 U.S.C. § 1915A(b). It is therefore

**ORDERED** that the claims against Indymac Bank, the State Bar of Texas, the Executive Director of the State Bar of Texas, Kenneth Hammack and Cleburne Swilley are **DISMISSED** with prejudice as barred by the doctrine of *res judicata* and the claims against Judge Elizabeth Evelyn Coker (Evans) are **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted and for seeking monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b). Any motion not previously ruled on is **DENIED**.

**SIGNED** this the 26 day of September, 2008.



\_\_\_\_\_  
Thad Heartfield  
United States District Judge